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September 27, 2017

By ECF

Hon. Lewis A. Kaplan
Daniel P. Moynihan United States Courthouse
500 Pearl Street, Courtroom 21B
New York, NY 10007-1312

Re: Pinks v. M&T Bank Corporation
Index No. 13-cv-1730-LAK-RLE (S.D.N.Y)

Dear Judge Kaplan:

We represent M&T Bank Corp. (“M&T”) in this case. We are writing in response to Plaintiff’s counsel’s letter dated September 25, 2017.

Plaintiff’s counsel waited more than 60 days after the Court’s July 17, 2017 Order denying class certification to seek “clarification” of the decision.

As they effectively admit in a subsequent letter to Magistrate Judge Ellis, their request for “clarification” is a thinly veiled request for an advisory opinion “to aid” Plaintiff “in formulating” his position. *See* Dkt. 192. No such “clarification” is necessary, appropriate or warranted. If Plaintiff wishes to request dismissal of his case, then he should file a motion and M&T will respond. As explained in M&T’s Status Report (Dkt. 193), any dismissal should be with prejudice under the circumstances of this case.

Respectfully submitted,

/s/ Roy W. Arnold

cc: All counsel (*via ECF*)
Hon. Ronald L. Ellis (*via ECF*)